

**UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS**

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**UNITED STATES**

**v.**

**Staff Sergeant DAVID S. MINOR  
United States Air Force**

**ACM 35231**

**30 November 2004**

Sentence adjudged 16 April 2002 by GCM convened at Davis-Monthan Air Force Base, Arizona. Military Judge: Timothy D. Wilson (sitting alone).

Approved sentence: Bad-conduct discharge, confinement for 25 months, and reduction to E-1.

Appellate Counsel for Appellant: Colonel Beverly B. Knott, Major Teresa L. Davis, and Major Antony B. Kolenc.

Appellate Counsel for the United States: Colonel LeEllen Coacher, Lieutenant Colonel Lance B. Sigmon, and Captain C. Taylor Smith.

Before

**MALLOY, JOHNSON, and GRANT**  
Appellate Military Judges

**PER CURIAM:**

We have examined the record of trial, the assignment of errors, and the government's reply thereto. We find the military judge did not err during presentencing by considering a letter from the victim's family over defense objection. *See United States v. Johnson*, 46 M.J. 8 (C.A.A.F. 1997). We also find that the second addendum to the staff judge advocate's recommendation did not contain "new matter." *United States v. Key*, 57 M.J. 246, 248-49 (C.A.A.F. 2002). Finally, we find the appellant's sentence is not inappropriately severe. *United States v. Healy*, 26 M.J. 394 (C.M.A. 1988).

The approved findings and sentence are correct in law and fact, and no error prejudicial to the substantial rights of the appellant occurred. Article 66(c), UCMJ, 10 U.S.C. § 866(c); *United States v. Reed*, 54 M.J. 37, 41 (C.A.A.F. 2000). Accordingly, the findings and sentence are

AFFIRMED.

OFFICIAL

ANGELA M. BRICE  
Clerk of Court